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1627

CASE 4-32618A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1627

YUAN ET AL.

Examiner: GARCIA, MAURIE E.

APPLICATION NO: 09/248,158

FILED: FEBRUARY 9, 1999

FOR: DIRECT ADSORPTION SCINTILLATION ASSAY FOR MEASURING  
ENZYME ACTIVITY AND ASSAYING BIOCHEMICAL PROCESSES

# 31  
Rk/mr  
3/17/03

**RECEIVED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

FEB 20 2003

**TECH CENTER 1600/2900**

RESPONSE

Sir:

This is in response to the Office Action dated December 4, 2000 for the above-identified application. Reconsideration of the application is respectfully requested in view of the remarks that follow.

REMARKS

Claims 1, 3, 5-10 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kasila et al. (U.S. Patent No. 5,972,595) in view of Brown et al. (High Throughput Screening (1977)).

Applicants traverse this rejection.

In the Office Action, it is acknowledged that the Kasila et al. reference lacks the specific teaching of where the reaction of the product of the chemical or biochemical transformation binds to the scintillating material to produce a signal above background (increased scintillation correlates with the progression of the reaction). It is further acknowledged in the Office Action that Kasila et al. teach the opposite scenario, i.e., where reaction product is washed away, thus reducing the level of scintillation.